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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

ADAM GHADIRI,  
  
Plaintiff,  
  
vs.  
  
SITEONE LANDSCAPE SUPPLY, a  
business entity; DOUG BLACK, an  
individual; TIGLIO LLC, a California liability  
company,  
  
Defendants

Case No.:

**COMPLAINT FOR DAMAGES AND  
INJUNCTIVE RELIEF FOR VIOLATIONS  
OF AMERICANS WITH DISABILITIES  
ACT; CALIFORNIA UNRUH CIVIL  
RIGHTS ACT; GENERAL NEGLIGENCE**

Plaintiff ADAM GHADIRI (“Plaintiff”) complains of defendants SITEONE LANDSCAPE SUPPLY, a business entity; DOUG BLACK, an individual; TIGLIO LLC, a California liability company, (all defendants collectively referenced herein as “Defendants”) as follows:

**PARTIES**

1. Plaintiff is a California resident with physical disabilities. He suffers from severe arthritis in his knees and back. He has been diagnosed with spinal stenosis and myelopathy (nerve damage). He has difficulty walking and uses a cane and a wheelchair for long distance mobility. He suffers daily with pain that requires him to take pain medication. He has a California driver’s license and drives for business activities and for his household errands. Plaintiff has a California handicap parking placard that is prominently displayed in his vehicle.

2. Defendant SITEONE LANDSCAPE SUPPLY, is a Landscape Equipment and Supply Store and is located at 33012 Calle Aviador, San Juan Capistrano, CA 92675.

**COMPLAINT FOR DAMAGES AND INJUNCTIVE RELIEF**

3. Plaintiff is informed and believes and on that basis alleges that defendant DOUG BLACK, an individual, is the business license holder of SITEONE LANDSCAPE SUPPLY.

4. Plaintiff is informed and believes and on that basis alleges that defendant TIGLIO LLC, a California liability Company, are the owners of the premises, building, and/or the land located at 33012 Calle Aviador, San Juan Capistrano, CA 92675.

5. Plaintiff does not know the true names of all possible defendants, their business capacities, their ownership connection to the property and the business, or their relative responsibilities in causing the access violations herein complained of, and plaintiff alleges a joint venture and common enterprise by all defendants. Plaintiff is informed and believes that each of the defendants is responsible in some capacity for the events and damages alleged or is a necessary party for obtaining appropriate relief. Plaintiff shall seek leave to amend the complaint to name and add other defendants when their identities are ascertained.

## **JURISDICTION & VENUE**

6. This court has subject matter jurisdiction over this action pursuant to 28 U.S. Code § 1331 and § 1343(a)(3) & (a)(4) for violations of the Americans with Disabilities Act of 1990, 42 U.S. Code § 12101, et seq.

7. Pursuant to pendant jurisdiction, an attendant and related cause of action arising from the same nucleus of transactions is brought under California's Unruh Civil Rights Act (Civil Code §§51-52) which expressly incorporates the Americans with Disabilities Act.

8. Venue is proper in this court pursuant to 28 U.S. Code § 1391(b) and is founded on the fact that the real property which is the subject of this action is located in this district and Plaintiff's causes of action arose in the district.

## FACTUAL ALLEGATIONS

9. Plaintiff went to SITEONE LANDSCAPE SUPPLY in or about April 2022. When entering the parking lot, Plaintiff noticed there was no handicap parking space, no handicap parking sign indicating where the handicap parking space was, and no van access. The condition of the parking lot, therefore, denied Plaintiff, as a disabled person, full and equal access to the business and caused him difficulty and frustration in his attempts to consummate business there.

10. Failing to provide full and properly maintained access to the store amounts to a violation of the operative American with Disabilities Act Guidelines (“ADAAG”). The lack of an accessible sales counter also violates the ADAAG. Additionally, these violations demonstrate Defendants are not implementing any policy of upkeep so as to give disabled persons practical

## COMPLAINT FOR DAMAGES AND INJUNCTIVE RELIEF

1 access to the given premises and services equal to the access enjoyed by non-disabled persons;  
 2 this amounts to illegal discrimination against disabled persons who wish to patronize SITEONE  
 3 LANDSCAPE SUPPLY as a place of public accommodation.

4 11. Plaintiff personally encountered violations of applicable legal obligations and  
 5 standards that prevented him from full and equal access to convenient, safe, adequate, and  
 6 appropriate facilities. Plaintiff would like to patronize this establishment again but cannot do so  
 7 until the Defendants remove these barriers or obstacles to proper access equal for everyone and  
 8 correct all violations of law. Plaintiff seeks to have all barriers and obstacles related to disabled  
 9 persons remedied, whichever may exist, regardless of whether he personally encountered any of  
 10 them. See *Doran v. 7-11*, 506 F3d 1191 (9th Cir 2007), holding that once a handicapped plaintiff  
 11 encounters one barrier to equal access at a given site, he can sue to have all other barriers relating  
 12 to his disability removed even if he did not personally encounter those barriers on the given  
 13 occasion. Additionally, Plaintiff believes and alleges that Defendants' failure to remedy and  
 14 remove the specific barriers (difficulties) to access for disabled persons, as mentioned in the  
 15 Paragraphs above, is intentional because (a) these particular barriers are obvious, and (b)  
 16 Defendants, jointly and severally, exercised full control and dominion over the conditions on the  
 17 land and at the business at this particular location, and therefore the lack of and barriers to full  
 18 equal access for disabled persons was not mere "accidental oversight", given that had Defendants  
 19 intended any other situation they had the means and ability to make the land and business fully  
 20 compliant with the legal requirements mandated by the laws, as set forth in the causes of action  
 21 below.

22 **FIRST CAUSE OF ACTION**  
 23 **VIOLATION OF THE AMERICANS WITH DISABILITIES ACT OF 1990**  
 24 **(Against All Defendants (42 U.S. Code § 12101, et seq.))**

25 12. Plaintiff realleges and incorporates by reference the allegations contained in all  
 26 prior paragraphs of this complaint.

27 13. Defendants own, operate, lease from, or lease to a place of public accommodation  
 28 commonly known as SITEONE LANDSCAPE SUPPLY. Under the ADA, it is an act of  
 discrimination for any person(s) who owns, leases (or leases to), or operates a place of public  
 accommodation to deny to disabled persons the full and equal enjoyment of the goods, services,  
 facilities, privileges, advantages, or accommodations of any place of public accommodation. 42  
 U.S. Code § 12182(a). U.S. Code § 12182(b) defines discrimination, inter alia, as follows:

1           a.       A failure to make reasonable modifications in policies, practices, or  
2 procedures, when such modifications are necessary to afford such goods, services,  
3 facilities, privileges, advantages, or accommodations to individuals with  
4 disabilities, unless the entity can demonstrate that making such modifications  
5 would fundamentally alter the nature of such goods, services, facilities, privileges,  
6 advantages, or accommodations. 42 U.S. Code § 12182(b)(2)(A)(ii).

7           b.       A failure to remove architectural barriers, and communication  
8 barriers that are structural in nature, in existing facilities, ...where such removal is  
9 readily achievable. See 42 U.S. Code § 12182(b)(2)(A)(iv). Barriers can be defined  
10 by reference to the ADAAG, found at 28 Code Federal Regulations, Part 36,  
11 Appendix D.

12           c.       A failure to design and construct facilities for first occupancy, if  
13 later than 30 months after July 26, 1990, that are readily accessible to and usable  
14 by individuals with disabilities, except where an entity can demonstrate that it is  
15 structurally impracticable to meet the requirements of such subsection in  
16 accordance with standards set forth or incorporated by reference in regulations  
17 issued under this subchapter. 42 U.S. Code § 12183(a)(1).

18           14.     Defendants are persons or business entities that own, operate, or lease a place of  
19 public accommodation. As such, Defendants are required to avoid discrimination and have  
20 specific duties to (1) ensure that all construction, alteration, or modification is barrier-free as to  
21 disabled persons and complies with the currently operative ADAAG; and/or (2) remove all  
22 existing barriers to disabled persons where such removal is readily achievable, and/or (3) to  
23 provide alternatives to barrier removal for the benefit of the disabled persons so that they do enjoy  
24 equal access at places of public accommodation. Defendants have failed to meet these obligations.  
25 Consequently, Plaintiff is entitled to court-ordered relief against the defendants, to make sure that  
26 within six months from the beginning of this action the defendants render their public  
27 accommodation premises fully compliant with the ADA.

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**SECOND CAUSE OF ACTION  
VIOLATION OF THE UNRUH CIVIL RIGHTS ACT  
(Against All Defendants (Cal Civil Code § 51-53))**

15. Plaintiff realleges and incorporates by reference the allegations contained in all prior paragraphs of this complaint.

16. Because Defendants violated Plaintiff's rights under the ADA, they also violated the Unruh Civil Rights Act and are liable for damages. Civil Code § 51(f), 52(a).

17. Because the violation of the Unruh Civil Rights Act resulted in difficulty, discomfort, and embarrassment for the plaintiff, the defendants are also responsible for statutory damages, i.e., civil penalties. See Civil Code § 51(f), 52(a).

**THIRD CAUSE OF ACTION  
GENERAL NEGLIGENCE  
(Against All Defendants)**

18. Plaintiff realleges and incorporates by reference the allegations contained in all prior paragraphs of this complaint.

19. Defendants owe a duty of care to Plaintiff, arising under the ADA and Unruh Civil Rights Act, to provide safe, convenient, and accessible facilities. Their violations of this duty, as alleged in the preceding paragraphs of this complaint, has caused inconvenience, injury, and damage to Plaintiff in the amount of at least minimal amounts of damages allowed by applicable statutes, the exact amount to be determined at the trial.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff prays that this court award damages and provide relief against all named Defendants, jointly and severally, as follows:

1. For mandatory injunctive relief, compelling Defendants jointly and severally to comply with the Americans with Disability Act and the California Unruh Civil Rights Act by fully correcting all violations of the requirements of these laws within six months of being served with Summons and Complaint in this action, and that said Defendants be required to report to Plaintiff and to the Court of the actual status of the correction of the defects charged in this Complaint on the next day after the six month period has expired.

2. For damages under the Americans with Disability Act and/or the Unruh Civil Rights Act where applicable, which statutes provide for actual damages and a statutory minimum of

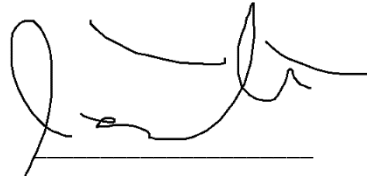
1 \$4,000 per violation. If the Plaintiff cannot recover under both Unruh and ADA, simultaneously,  
2 an election will be made prior to or at trial, at an appropriate stage in these legal proceedings.

3 3. For damages for general negligence, in the amount of at least minimal amounts of  
4 damages allowed by applicable statutes, or alternatively \$8,000, the exact amount to be  
5 determined at trial.

6 4. For reasonable litigation expenses and costs of suit pursuant to 42 U.S. Code § 12205,  
7 Cal Civil Code § 52, and Cal Code of Civil Procedure § 1021.5. For reasonable attorneys' fees  
8 pursuant to 42 U.S. Code § 12205, Cal Civil Code § 52, and Cal Code of Civil Procedure § 1021.5,  
9 in the amount of \$4,000.

10 5. For such other and further relief as the court deems just and proper.  
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Dated: 12/02/2022



Joseph Bakhos, Esq.  
Attorney for Plaintiff